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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,696	06/25/2003	Makoto Aikawa	501.42780X00	1583
24956	7590	09/28/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			GERGISO, TECHANE	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,696

Applicant(s)

AIKAWA ET AL.

Examiner

Techane J. Gergiso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/25/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 3, 5 and 8 are drawn to a **smart card**, comprising: **communication unit** to communicate with the outside; **information accumulating unit** to accumulate data and a program; and **arithmetic processing unit** to perform information processing they are classified in class 726 subclass 20; class 379 subclass.211.05; and class 705 subclass 41.
 - II. Claims 10, 12, and 14 are drawn to a **settlement terminal** comprising: **first card reading and writing unit** having a function of communicating with a first smart card that holds first value data inside; **second card reading and writing unit** having a function of communicating with a second smart card that holds second value data inside; and **arithmetic processing unit** to update the first value data and the second value data by performing encryption between the first smart card and the second smart card and said arithmetic processing unit comprises **the steps of: obtaining, comparing, and updating the value data** and they are classified in class 726 subclass 9; class 725 subclass 6; class 257and subclass 922 .
 - III. Claims 17, and 18 are drawn a **smart card that transmits/receives value data to/from another smart card**, said smart card comprising: **information**

accumulating unit to accumulate the value data, a transfer key used to update the value data, and an update key used to update the transfer key; **communication unit** to receive a transfer key encrypted by use of the update key, said transfer key being transmitted from said another smart card; and **arithmetic processing unit** to decrypt the encrypted transfer key by use of the update key to update the transfer key accumulated in the information accumulating unit by use of the decrypted transfer key and they are classified in class 726 subclass 9; class 705 subclass 41; class 257 and subclass 922 .

IV. Claim 19 is drawn to a **settlement terminal that transmits/receives first value data accumulated in a first smart card and second value data accumulated in a second smart card**; the settlement terminal comprising: **first smart-card read/write unit** for receiving the first transfer key encrypted by use of the update key from the first smart card; and **second smart-card read/write unit** to transmit, to the second smart card, a transfer-key update request requesting that the second transfer key of the second smart card class and they are classified in class 726 subclass 9; class 725 subclass 6; class 257 and subclass 922; class 902 and subclass 26.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

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separately usable. For example, Group I is a smart card, comprising: communication unit to communicate with the outside; information accumulating unit to accumulate data and a program; and arithmetic processing unit to perform information processing; and Group II is a settlement terminal comprising: first card reading and writing unit having a function of communicating with a first smart card that holds first value data inside; second card reading and writing unit having a function of communicating with a second smart card that holds second value data inside; and arithmetic processing unit to update the first value data and the second value data by performing encryption between the first smart card and the second smart card and said arithmetic processing unit comprises the steps of: obtaining, comparing, and updating the value data.

Furthermore, Group III is a smart card that transmits/receives value data to/from another smart card, said smart card comprising: information-accumulating unit to accumulate the value data, a transfer key used to update the value data, and an update key used to update the transfer key; communication unit to receive a transfer key encrypted by use of the update key, said transfer key being transmitted from said another smart card; and arithmetic processing unit to decrypt the encrypted transfer key by use of the update key to update the transfer key accumulated in the information accumulating unit by use of the decrypted transfer key; and Group IV is a settlement terminal that transmits/receives first value data accumulated in a first smart card and second value data accumulated in a second smart card; the settlement terminal comprising: first smart-card read/write unit for receiving the first transfer key encrypted by use of the update key from the first smart card; and second smart-card read/write unit to transmit, to

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the second smart card, a transfer-key update request requesting that the second transfer key of the second smart card class.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their classification, restriction for examination purpose as indicated is proper.

4. Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination as indicated is proper.

5. Because these inventions are distinct for the reason given above and the search strategies required for Group I-VI are mutually distinct, restriction for examination purpose as indicated is proper.

6. Applicants are advised that the replay to this requirement to be completed must include an election of the invention to be examined even though the requirement can be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of the claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of the inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by fee required under 37 CFR 1.17(i).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T-G

Techane Gergiso

Patent Examiner

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September 25, 2006


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER